

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FACEBOOK, INC., a Delaware  
corporation,

Plaintiff - Appellee,

v.

STEVEN SURAJ VACHANI, et al.,

Defendants - Appellants.

Nos. 13-17102, 13-17154

D.C. No. 5:08-cv-05780-LHK  
Northern District of California,  
San Jose

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court has received the “parties’ stipulation to correct the record” and “plaintiff-appellee’s unopposed motion to unseal documents,” filed on May 13, 2014. Appellee Facebook, Inc. has also filed an unopposed motion for extension of time or, in the alternative, to stay the briefing schedule pending resolution of the May 13, 2014 motions.

The stipulation to correct the record is construed as a motion for a remand to expand the record and, so construed, is granted. This appeal is remanded to the district court for the limited purpose of enabling the district court to consider the motion to expand the district court record to include the expert report of Bob

Zeidman and Lawrence Melling that was lodged with and reviewed by the district court in ruling on the parties' motions for summary judgment. *See* Fed. R. App. P. 10(e).

Within 60 days after the date of this order or within 7 days after the district court's ruling on the motion to expand the record, whichever occurs first, appellee shall file: (1) a report on the status of district court proceedings and motion for appropriate relief; or (2) the answering brief. The filing of the answering brief or the failure to file a report will terminate the limited remand.

If the answering brief is filed, the optional reply brief(s) shall be filed in accordance with the time limits set forth in Federal Rule of Appellate Procedure 31(a).

The motion for an extension of time or to stay the briefing schedule is denied as moot.

The motion to unseal documents that were filed under seal in the district court pursuant to a protective order is denied without prejudice to renewal after seeking leave from the district court to unseal the documents.